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CHARLES RIVER COUNTY.

From Back creek for the South side of Capt. Wormeley's Creek: Mr. John Chew, John Lilly, Abraham English.

From the west side of Capt. Wormeley's creek upwards as far as the parish extendeth: Capt. Rich. Townsend, Nath^l Warren, William Nottingham.

For the Northwest side of Queen's creek: Mr. Hugh Gwyn, Anth^o Parkhurst, Joseph Croshaw.

From the lower side of the parish to the Eastern Side of Capt. Uby's creek: Capt. Nich^o Martean, Wm. Sayer, Nich^o Stillwell.

From Western Side of Capt. Uby's creek and Eastern Side of Queen's creek and the middle plantation: Mr. Wm. Pryor, Rich^d Davis, John Hartwell.

For the South side of the new poquoson River: Capt. John Chapman, John Jackson, Authur Makeworth.

For the South side of New Poquoson River. (Capt. Chapman to administer the oath): Mr. Thos. Curtis, George Sophier, Robert Lucas.

CASE OF ANTHONY PENTON.

(ROBINSON MS.—VA. HIST. SOCIETY.)

At a court holden at James city the 5th of March, 1640, the following order was made:

“Whereas Captain John West and Captain Brocas, Esquires, have represented to the board in the behalf of the parishes of York and Chiskayack that they are destitute of a minister to officiate the several cures and by reason that Mr. Anthony Penton is inducted into the said living and is yet in England, whereby the said parishes are unprovided, the governor and council have therefore thought fit that the vestry of each parish shall provide themselves with such an able and conformable minister or ministers, who by his or their orders shall be found capable thereof, to be approved by the governor, and that he or they approved

shall receive for his or their recompense half the duties belonging to the said place or places until further order shall be signified thereon."

In the meantime Penton has sailed for England and gone before the privy council. They by their letters of the 11th of August, 1639, and also of the 17th of December, authorized and required the then Governor and Council to cause that part of the sentence which decides his banishment from the colony upon pain of death to be suspended until upon the hearing of his cause, and certificate returned to the privy council further orders therein should be received from them.

These commands were produced at a court holden at James city the 10th of March, 1640, when were present Sir Francis Wiatt, Knt., governor, Captain Samuel Matthews, Captain William Price, Mr. Richard Kemp, Mr. Roger Wingate and Mr. Ambrose Harmer. The court thereupon did accordingly suspend that part of the sentence which concerned his banishment upon pain of death, and notwithstanding that sentence did declare that the said Anthony Penton, clerk, should have and enjoy the full portion of the law and privilege of a subject until the further pleasure of the council should be signified, and this suspension of the sentence they commanded to be publicly pardoned at this quarter court by the sound of the drum, to the intent that all persons within the colony might take notice thereof for the better safety of the said Anthony Penton.

On the 20th of April, 1640, the court expressed the opinion that Penton should give his answer in writing before any further examination of witnesses, and at Elizabeth city the 5th of May, 1640, the following order was made:

"Whereas their Lordships have commanded us to hear and examine anew the cause of Anthony Penton, clerk, concerning a sentence given against him by the late governor and counsel dated the 8th day of October, 1638, we in obedience thereunto ordered that Mr. Penton should put in his answer upon oath to the information given in against him by Mr. Secretary Kemp, which hath been accordingly done, but in the interrim Sir John Harvey and Mr. Kemp exhibited a petition which Mr. Kemp hath since often mentioned to the bond, desiring that Mr. Penton might not be permitted to have witnesses but to answer

to the accusation of the information, and since the said answer put in hath given reasons why there should be no examinations of any witnesses taken against him, the court conceiving that there cannot be a due hearing without examination of witnesses in matters pertinent to the main cause but unfit that there should be any examinations admitted concerning impertinent examinations especially in respect of the quality of the persons being counsellors having then under his majesty the immediate command of the colony, upon due consideration thereof after the hearing of the parties on both sides, do appoint that Mr. Penton shall forthwith put in his interrogations, upon which he desires his witnesses to be examined, and being allowed under the hands of them of the new Counsel or so many of them as shall be allowed, it shall be permitted to any of the said Counsel taking him, any two of the commissioners of that county to take and put into writing the depositions of the witnesses produced by the said Mr. Penton or any on his behalf at his request under his hand, and the like course to be observed if the said Sir John Harvey and Mr. Kemp do desire to produce witnesses upon interrogations in this cause."

Mr. Richard Kemp, the secretary, now departed from the colony, and the following proceeding took place at a court holden at James city the 10th of June, 1640:

"Thomas Stegg, merchant, was this day questioned by the board for being assisting and aiding to Mr. Richard Kemp the secretary in his departure and going out of the colony, without leave obtained, as also that the said Stegg furnished him with money in England of which under his own hand by confession he acknowledged himself guilty. This act being against the laws of the Colony, especially in an officer of such charge and trust, a precedent of a very bad and dangerous consequence, whereby all the records and public witnesses of the Colony are endangered to loss, and some of them by the said Secretary carried away, also a high contempt of the said Mr. Kemp by refusing to answer the complaint of Mr. Anthony Penton against him recommended for a rehearing from the lords of the counsel, the court taking this offence of said Stegg into consideration as being an affront to the present government and an occasion to disturb the public peace, have imposed a fine to the King of fifty

pounds sterling upon the said Stegg, and imprisonment during the governor's pleasure."

Penton's cause afterwards attracted much attention. On the 23d of June, 1640, the court ordered that the depositions should be freely perused by the old counsel as also by Mr. Penton, who should have liberty to transcribe any of them as they should think fit, and on the 30th of that month this order was made:

"It is ordered by this court that all differences depending between Richard Kemp, Esqr., and Mr. Anthony Penton, clerk, shall be referred to hearing and determining upon thursday the 9th of July next, at James city, at which time all the counsel are requested to be present by nine of the clock in the forenoon, upon the penalty of forty pounds sterling for every one that is absent without just and necessary cause."

The judgement of the court was given on the 11th of July, 1640, in the following terms:

"Whereas, upon the complaint of Anthony Penton, clerk, concerning a sentence given against him by the late governor, and counsel here, their lordships by their letters of the eleventh of August, 1639, were pleased to refer back to us the cause of the said Anthony Penton, clerk, to be heard and examined anew, and further by their lordships letters of the 17th of Decemb', 1639, we were authorized and requested, that if upon the rehearing of the said cause, the said petitioner should be found innocent, to restore him to his cure again, and furthur, to cause Sir John Harvey, Knt., late governor, to deliver over such goods and estate of the said Mr. Penton as he hath taken into his hands, and what he hath distributed to his sheriffs and other officers, unto such persons as we should appoint, there to remain until further order from their lordships, and to give their lordships a true account of our proceedings therein. Now, forasmuch as Mr. Richard Kemp, whom the said Penton charges more particularly as the author of the said sentence after we had in obedience to their lordships command prepared for the rehearing of the cause, and himself had pretended a preparation for justifying the sentence, secretly on the sudden, conveyed himself away into England, carrying with him both the main depositions, whereupon the said sentence was grounded and other material writings concerning that cause whereby he hath

disabled us for any full review of the cause that might justly acquit or condemn the said Penton, only the secretary's flight being as strong presumption of self guiltiness as in all cases it hath been interpreted, and it appearing by the depositions taken on Mr. Penton's part and other pregnant circumstances, that he was denied a copy of the information against him to answer it in writing, his tryal in a summary way began in an afternoon, and sentence given that night and a copy of that sentence denied him which illegal proceedings appear to rest mainly on Mr. Kemp, which contrary to all course of law acted both the part of an advocate and a judge, and in the penning of the sentence that gave a full power and authority for any one to execute him in case of his return, for which we conceive he cannot shew any precedent (and most dangerous to make one) appears to be added by him, since Mr. John Harvey, the governor, and the rest of the then council disclaim it, things speak so far on the said Penton's behalf as we conceived we should do no less than restore him to the half tithes of York and Chiskyack, reserving the other half to the present incumbent, John Rosier, clerk, in respect of his officiating the cure, and either convenient room for him and his family in the parsonage house with the said Mr. Rosier, or the said Mr. Rosier to procure him with his family a convenient house elsewhere provisionally and without prejudice to the right of the said Anthony Penton until their Lordships, upon hearing of the whole cause, shall please to settle a furthur and final order herein. And whereas it appears that Sir John Harvey hath taken with his hands all the said Penton's tithes viz: of Chiskyacque one thousand three hundred and ten pounds of tobacco and one hundred thirty and one bushels of corn, and of York two thousand and one hundred and eighty pounds of tobacco, and two hundred and ninety bushels of corn, and that Robert Huchinson, the sheriff of James city, received for his fees two hundred and fifty pounds of tobacco, it is ordered that the said three thousand four hundred and ninety pounds of tobacco shall be deducted out of the bills given in upon the sale of Sir John Harvey's goods, and the corn being four hundred twenty and two bushels at two shillings six pence pr. bushel, amounting to fifty pounds twelve shillings and six pence, to be deducted and reserved out

of the bills payable for Sir John Harvey's goods in money, and Huchinson according to a former order of the 27th of June, 1640, to be responsible for the said two hundred and fifty pounds of tobacco levied by him for fees and so to remain deposited herein."

EARLY EPISCOPACY IN ACCOMACK.

Capt. John Smith in his General History of Virginia says:

"Leaving The Phoenix at Cape Henry, we crossed the bay to the Eastern Shore and fell in with the isles called Smith's Isles. First people encountered were two grim, stout salvages, upon Cape Charles, with long pikes, javelins headed with bone, who boldly demanded who and what we were. After many circumstances, they seemed kind, and directed us to Accomack, the habitation of their Werowance, where we were kindly treated. This Rex was the comeliest, proper, civil salvage we encountered. His country is a pleasant, fertile clay soyle; some small creeks, good harbours for barques, not ships. They spoke the language of Powhatan."

This section so graphically described by Smith in 1608, was probably settled as early as 1610. Tradition tells us that a canoe load of pioneers crossed the great Chesapioque from Jamestown soon after Captain Smith's discovery; intermarried with the tribe of Nassawattox, and were found enjoying semi-civilization and savagery when the tide of immigration trended eastward in 1615, and definitely peopled with the purest Anglo-Saxon blood this famous old peninsular. These hardy pioneers, numbered among them many true, loyal sons of the Church, who as early as 1623, worshipped in a primitive temple, a mere sylvan bower, described by an old chronicler as, "A building of insignificant dimension, constructed of roughly riled logs, cemented loosely with wattle; the whole enclosed by Pallysadoes for protection against ye Indian tribes, an ever present menace to peace and safety."

In 1633, the Commissioners for Virginia, who were, William